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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,994	10/22/2003	Darran Potter	50325-0837	2452
29989	7590	02/06/2008	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP			EL CHANTI, HUSSEIN A	
2055 GATEWAY PLACE			ART UNIT	
SUITE 550			PAPER NUMBER	
SAN JOSE, CA 95110			2157	
MAIL DATE		DELIVERY MODE		
02/06/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/691,994	POTTER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Hussein A. El-chanti	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 22 October 2003.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date 5/7/04.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This action is responsive to application filed on Oct. 22, 2003. Claims 1-30 are pending examination.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, claims 13-18 recites in the preamble "a network device comprising", the body of the claim does not contain any limitations indicating the structure of the device. A system or an apparatus claim should always claim the structure or the hardware that performs the function. Applicant's claimed limitations consist of modules (software according to the specification) that do not describe the structure of the device.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 13-18 and 23-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. Claims 13-18 recites in the preamble "a network device comprising: a network interface". The body of claims 13-18 recite "code means" for each limitation. Therefore claims 13-18 are non-statutory because it is directed towards software, *per se*, lacking storage on a medium, which enables any underlying functionality to occur. It is not clear whether instructions are in executable form and therefore there is no practical application.

5. Claims 23-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 23-30 lacks or not limited to (based on intrinsic evidence) physical articles or objects which are structurally and functionally interconnected to the code in such a manner or to establish a statutory category of invention and enable the code to act as a computer component and realize its functionality. Paragraph 40 on page 15 of the specification defines the computer medium as a transmission media which may take the form of acoustic or light waves generated during infra-red data communication.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al., U.S. Patent No. 7,089,316 (referred to hereafter as Anderson).

As to claim 1, Anderson teaches a method of providing access to services across a computer network, comprising the step of:

generating an access request, said access request including a network device description and a plurality of service requests indicative of computer services for which the network device requests provisioning (see col. 5 lines 64-col. 6 lines 2, col. 5 lines 38-54 and col. 10 lines 1-9); and

forwarding said access request for authentication and authorization (see col. 10 lines 10-41).

As to claim 2, Anderson teaches a method according to Claim 1 in which the access request is a RADIUS packet, the service requests being defined by information contained within Vendor-Specific Attribute (VSA) blocks in the said packet (see col. 10 lines 10-41).

As to claim 3, Anderson teaches a method according to Claim 2 in which each said block contains a device-type identifier and a service-request identifier (see col. 5 lines 38-col. 6 lines 2).

As to claim 4, Anderson teaches a method according to Claim 2 in which the packet is a RADIUS-compliant authentication request packet (see col. 10 lines 20-31).

As to claim 5, Anderson teaches a method according to Claim 1 in which the device description includes one or more of device vendor, device type, device version, physical location (see col. 5 lines 38-col. 6 lines 2).

As to claim 6, Anderson teaches a method according to Claim 1 in which the service requests include a request for a particular service level (see col. 5 lines 38-col. 6 lines 2).

As to claim 7, Anderson teaches a method according to Claim 1 in which a policy is applied to the access request to determine whether access will be allowed, and if so for what services (see col. 9 lines 35-67).

As to claim 8, Anderson teaches a method according to Claim 1 in which a network resources are provisioned in dependence upon the access request (see col. 9 lines 35-67).

As to claim 9, Anderson teaches a method according to Claim 1 in which the steps of receiving and applying are performed by an access-control server or an Authentication, Authorization and Audit (AAA) server (see col. 10 lines 20-54).

As to claim 10, Anderson teaches a method according to Claim 9 in which the access-control server uses the access request to select among multiple services that are specified for a particular device (see col. 9 lines 35-67).

As to claims 11, 13, 19 and 23, Anderson teaches a network device, system and medium arranged to provide access to services across a computer network, comprising:  
means for generating an access request, said access request including a network device description and a plurality of service requests indicative of computer

services for which the network device requests provisioning (see col. 5 lines 64-col. 6 lines 2, col. 5 lines 38-54 and col. 10 lines 1-9); and  
means for forwarding said access request for authentication and authorization  
(see col. 10 lines 10-41).

Claims 12, 14-18, 20-22 and 24-30 do not teach or define additional limitations over claims 1-11, 13, 19 and 23 and therefore are rejected for similar reasons.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein Elchanti

Jan. 31, 2008



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